



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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IN REPLY PLEASE

REFER TO FILE: PD-6

March 9, 2006

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**REQUEST TO FILE A LAWSUIT TO REQUIRE PRIVATE LANDOWNERS TO
REMEDY A LANDSLIDE ON THEIR PROPERTY LOCATED WITHIN THE
CITY OF DIAMOND BAR AFFECTING THE COUNTY UNINCORPORATED AREA
OF ROWLAND HEIGHTS
SUPERVISORIAL DISTRICT 4
3 VOTES**

**IT IS RECOMMENDED THAT YOUR BOARD AS THE BOARD OF SUPERVISORS
FOR THE COUNTY OF LOS ANGELES AND ACTING AS THE GOVERNING BODY
OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:**

Authorize County Counsel to file a lawsuit to require private landowners in the City of Diamond Bar to remedy a landslide on their property that has damaged and has potential to further damage a County road, a Los Angeles County Flood Control District (District) storm drain, and possibly various other County facilities and improvements, utilities, and adjacent properties located within the County unincorporated area of Rowland Heights.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

This action enables County Counsel to file a court case against private landowners who have permitted a landslide to continue unabated on their property that has damaged and has potential to cause further damage to a County road, District storm drain, and possibly various other County facilities and improvements, utilities, and adjacent properties

located within the County unincorporated area of Rowland Heights. The private landowners, Amrut Patel, Sita Patel, and Sasak Corporation (collectively the Patels) jointly own Lots 46, 47, and 48 of Tract No. 32576 (the Property) located in the City of Diamond Bar in the vicinity of Morning Sun Avenue and Shepherd Hills Road.

On May 19, 1995, a landslide occurred on the Property which caused damage to Morning Sun Avenue, which is a County road, and damage to various other County and District improvements. In 1996, adjoining neighbors sued, among others, the Patels and the County in an action entitled Collins v. County of Los Angeles.

In 2001, in a settlement agreement that did not include the County, the adjoining neighbors settled with the Patels. The Patels agreed to correct, repair or stabilize landslide conditions on their Property to prevent further earth movement. To date, the Patels have failed to correct the conditions. In fact, after the heavy rains of 2004-05, the landslide reactivated and again damaged the County and District improvements.

The lawsuit requires the Patels to correct the landslide on their Property, to reimburse the County for the cost of past landslide-related repairs, and to avoid future damage to County and District improvements.

Implementation of Strategic Plan Goals

This action meets the County Strategic Plan Goal of Fiscal Responsibility as it will result in private property owners remedying the landslide that currently impacts County property.

FISCAL IMPACT/FINANCING

The cost to repair Morning Sun Avenue after the damages caused by the rains of 2004-05 is estimated to be approximately \$700,000. If the landslide on the Property is not corrected, the cost of future repairs is currently estimated to be \$57,000 per year.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

California decisional law imposes upon an uphill landowner, the duty to maintain its property, to prevent damage to a downhill landowner as a result of a landslide on the uphill property. Failure to correct an active landslide on private property may also constitute a nuisance, and any damage to or debris pushed on to adjoining property may also constitute trespassing.

ENVIRONMENTAL DOCUMENTATION

The proposed action is exempt from the California Environmental Quality Act in that it does not meet the definition of a project according to Sections 15378(b)(5) of the California Environmental Quality Act Guidelines, because the action is an administrative activity that will not result in a potentially significant physical impact on the environment.

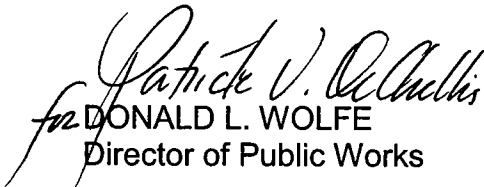
IMPACT ON CURRENT SERVICES (OR PROJECTS)

None.

CONCLUSION

This action is in the County's best interest. Upon approval, please return an adopted copy of this letter to both Public Works and County Counsel.

Respectfully submitted,


DONALD L. WOLFE
Director of Public Works

DZP:jhd

C060869

P:\City\Board Letters\MORNING SUN AVENUE LANDSLIDE

cc: Chief Administrative Office
County Assessor
County Counsel